IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FERA APPEAL NO.96 OF 2007
WITH
CIVIL APPLICATION NO.6588 OF 2007

Mr. Pankaj Parikh. ...Appellant.
Vs.
The Special Director of Enforcement and ors. ...Respondents.

Mr. Mohan Jayakar i/by M/s. Khaitan & Jayakar for the Appellant.

Mr.R.V.Desai, Sr.Advocate with A.S.Rao with Mrs.S.V.Bharucha for the Respondents.

CORAM : F.I. REBELLO & R.S. MOHITE, JJ.
DATED : 20TH DECEMBER,2007.

PC :

1. This appeal is preferred against the order whereby the learned Tribunal dismissed the appeal on the ground of failure to comply with the order of pre-deposit.

2. It is the contention of the learned counsel for the appellant that the order of pre-deposit was passed exparte and that the application for setting aside the order was rejected. Whatever be the position, ultimately the order of the Tribunal dismissing the appeal is on the ground of pre-deposit. This Court has already held that appeal in such circumstances would not be maintainable. Remedy is available to the appellant to challenge the order of pre-deposit before the appropriate forum. In the light of that, appeal is dismissed with liberty to the appellant to take recourse according to law. In the circumstances appeal is

disposed of.

(R.S. MOHITE, J.) **(F.I. FEBELLO, J.)**

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1. As the appeal is disposed of, application is infructuous. Accordingly, application is dismissed as infructuous.

(R.S. MOHITE, J.) **(F.I.REBELLO, J.)**